THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.912 of 2000

Dated: 14.12.2005

Between:

M. Veera Swamy, S/o Peddulu, working as Conductor in Hayathnagar Depot, H.No.16-1-486/A, Near MVS Engineering College, Saidabad, Hyderabad.

..... PETITIONER

AND

1 The Vice Chairman and Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad and 3 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.912 of 2000

Order:

Questioning the office order No.P1/255(1)/99-HYT, dated 27.12.1999 issued by the third respondent-Depot Manager, A.P. State Road Transport Corporation, Hayathnagar Depot, Ranga Reddy District, the petitioner filed the present writ petition.

Few facts that are necessary for disposal of the writ petition are as follows. The petitioner, while working in fourth respondent Depot, was removed from service on 17.02.1993, and against the said orders of removal, he preferred I.D. No.113 of 1995 before the Labour Court No.II, Hyderabad. The Labour Court No.II, Hyderabad, by its award dated 03.04.1997 set aside the order of removal and directed the respondents

to reinstate the petitioner with all attendant benefits such as continuity of service etc., but with 25% back wages only. In pursuance of the said award, the petitioner was posted to third respondent Depot on 28.02.1998 and the third respondent issued Cheque bearing No.971189, dated 16.05.1998 for an amount of Rs.26,035/- towards 25% back wages. Subsequently, the third respondent issued the impugned office order dated 27.12.1999 ordering for recovery of the said amount of Rs.26,035/- from the salary bill of the petitioner in monthly instalments stating that without obtaining necessary sanction from the competent authority/Chief Law Officer the said Cheque was handed over to the petitioner. Aggrieved by the said action of the respondents, the present writ petition is filed by the petitioner.

Though the writ petition was admitted, and an interim suspension order was passed in W.P.M.P. No.1149 of 2000, on 25.01.2000, no counter affidavit is filed by the respondents-Corporation so far.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents-Corporation.

It is contended by the learned counsel for the petitioner that so far the respondents-Corporation has not filed any writ petition challenging the award passed by the Labour Court in I.D. No. 113 of 1995, dated 03.04.1997 and it has become final, and as such, the impugned office order, issued in anticipation of filing a writ petition, is illegal and arbitrary. Learned Standing Counsel for the respondents-Corporation has not denied the said fact.

Admittedly, the respondents-Corporation has not filed any writ petition challenging the award passed by the Labour Court in I.D. No.113 of 1995, dated 03.04.1997, and the award passed by the Labour Court in I.D. No.113 of 1995 has become final. When the respondents-Corporation has not filed any writ petition challenging the award in I.D. No.113 of 1995, and when they, in pursuance of the Award passed by the Labour Court, reinstated the petitioner into service and paid the 25% back wages to him, it is not proper on their part again to issue the present impugned office order for recovery of said 25% back wages paid to the petitioner in anticipation of filing a writ petition. In the circumstances, I am of the considered view that the impugned order is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned office order

No.P1/255(1)/99-HYT, dated 27.12.1999 issued by the third respondent-Depot Manager, A.P. State Road Transport Corporation, Hayathnagar Depot, Ranga Reddy District, is hereby set aside. No costs.

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N.V. RAMANA, J.

Date: 14.12.2005

Nsr/Ksr